

### REMARKS

This is a Response to the Restriction Requirement mailed March 23, 2011. The Examiner indicated that dependent claim 36 has a dependency from a cancelled claim 2. By the above amendment, the dependency of claim 36 has been change to depend from claim 20, which should make it part of Species IA.

The Examiner has required restriction between Species IA, drawn to a positioning apparatus, readable on the embodiment figure 1, and Species IB, drawn to a positioning method, readable on the embodiment of figure 3.

Applicant hereby elects Species IA, with traverse. Claims 19-33 and 36 read on Species IA. Reconsideration of this Restriction Requirement is respectfully requested. Applicant maintains the right for rejoinder of the non-elected claims. For at least the reasons given below, Applicant submits that the Restriction Requirement is improper, and should be withdrawn.

As discussed in the Office Action, in order for a restriction requirement to be proper for an application filed under 35 U.S.C. 371, the Examiner is required to show lack of unity of invention as defined under 37 CFR §1.475, which states, "the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art."

As further defined in MPEP §1893.03(d), "[a] group of inventions is considered linked to form a general inventive concept where there is a technical

relationship among the inventions that involves at least one common or corresponding special technical feature.”

The Examiner states on page 2 of the Restriction Requirement that Species IA and IB do not relate to a single general inventive concept because the species lack the same or corresponding special technical features for the reasons that, “Species IA directed to an apparatus which require an injection device for removing the at least component from the first flat support by an ejection movement does not require by species IB. The species IB does not require the camera, the first and second flat supports and the ejection in such order on a common straight line, etc., as required by species 1A.”

Independent claim 34 of Species IB states that, “the camera device, the predetermined bond location on the second flat support, the at least one electronic component arranged on the first flat support and an ejection device lie on an imaginary common straight line.” Applicant respectfully submits that contrary to the Examiner’s assertion, Species IB does include the camera, the first and second supports and the ejection device. Applicant has amended independent claim 34 above to state that the ejection device removes the at least one electronic component from the first flat support so that the ejection device itself does not specifically provide grounds for a different special technical feature between Species IA and IB. Based on the foregoing, Applicant respectfully submits that the Examiner’s reasons for holding that Species IA and IB do not relate to a single inventive concept because of a lack of the same or

corresponding special technical features, as required to show lack if unity of invention, is not supported by the claims.

Applicant respectfully submits that claims 19-33 of Species IA claim a positioning apparatus for transferring at least one electronic component from a first flat support to a second flat support using certain elements and processes and independent claim 34 of Species IB claims a positioning method for transferring at least one electronic component from a first flat support to a second flat support using the same elements and processes. Applicant submits that even a cursory review of independent claims 19 and 34 shows that the inventions of Species IA and IB have corresponding special technical features.

Further, clearly Species IA and IB satisfy the category of "a product and a process of use of the product" from the list of categories on page 4 of the Examiner's Office Action that define products and processes as being proper for unity of invention under 37 CFR 1.475(b).

In view of at least the foregoing, it is submitted that the restriction requirement is improper and should be withdrawn.

Respectfully submitted,

MILLER IP GROUP, PLC  
Attorney for Applicant

By: 

John A. Miller  
Reg. No. 34985

Dated: 4/11/11  
42690 Woodward Ave., Ste. 200  
Bloomfield Hills, MI 48304  
Telephone: (248) 858-4200  
Facsimile: (248) 858-4201